

depend from claim 46, Applicant submits claims 47-57 are now in condition for allowance.

Claim 78 has been amended to remove the word "essentially".

35 U.S.C. § 102

Paragraphs numbered "5"

Applicant has amended claims 35 - 36 to claim an eyewear lens system, and has canceled claim 34 and has amended claim 35 to add the elements of claim 34, from which it depended.

Applicant submits that Examiner's rejection of claim 35, as amended, is improper, and requests reconsideration. According to the Examiner's description of the turning member in Erhard, the turning member is the lens itself. However, claim 35 includes a "turning member", (emphasis added.) The word "member" is commonly described as "a distinct part of a whole"(see yourDictionary.com.) Accordingly, pursuant to the Examiner's description, the portion of the lens labeled by the Examiner as a "turning member" actually is not distinct part of the whole, and therefore it is a portion, not a member, of a lens system.

Regarding claim 46, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Specifically, Erhard is for eyeglasses or

spectacles, and claim 46, as amended, is for a group of headwear consisting of welder's eyewear, motorcycle rider eyewear, safety eyewear, skydiving eyewear, airplane pilot eyewear, gas mask eyewear, hazardous materials eyewear, 3-d glasses, costumes, masks, goggles, hoods, UV tanning eyewear, racecar driver eyewear, astronaut eyewear, sports eyewear, hoods and helmets.

Paragraphs numbered "6"

In response to Examiner's rejection, claim 38 has been amended to further define the cut-out as "having an opening area and an inner area, said inner area being wider than said opening area." The notch in Karasawa has an opening area that is wider than the inner area.

Regarding claims 46, 47, 49 and 50, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Karasawa is for polarized spectacles, and claim 46, as amended, is for a group of headwear consisting of welder's eyewear, motorcycle rider eyewear, safety eyewear, skydiving eyewear, airplane pilot eyewear, gas mask eyewear, hazardous materials eyewear, 3-d glasses, costumes, masks, goggles, hoods, UV tanning eyewear, racecar driver eyewear, astronaut eyewear, sports eyewear, hoods and helmets. In the amendment, sunglasses have been

removed from the group of headwear, and claim 87 has been added.

Paragraphs numbered "7"

Regarding claims 46, and 51-55, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Bailey is for spectacles and nose glasses, and claims 46, and 51-55, as amended, are for a group of headwear consisting of welder's eyewear, motorcycle rider eyewear, safety eyewear, skydiving eyewear, airplane pilot eyewear, gas mask eyewear, hazardous materials eyewear, 3-d glasses, costumes, masks, goggles, hoods, UV tanning eyewear, racecar driver eyewear, astronaut eyewear, sports eyewear, hoods and helmets.

Regarding claims 77, 78, 80 - 84, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Bailey does not disclose a "peripheral edge having at least one mating member", a "peripheral member having at least one mating member" or the peripheral edge mating member "engaging" the peripheral member mating member. In Bailey the connecting member is attached to the lens with a screw.

In addition, regarding claims 51 and 80, in addition to the distinctions listed above, claims 51 and 80 include a "stop member", (emphasis added.) The word "member" is

commonly described as "a distinct part of a whole" (see yourDictionary.com.) Accordingly, pursuant to the Examiner's description, the portion of the containment structure labeled by the Examiner as a "stop member" is not a distinct part of the containment structure, and therefore is actually a portion of the bridge and/or guide, not a distinct member of the containment structure.

Paragraphs numbered "8"

Regarding claims 77 and 80, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Archambault does not disclose a "peripheral edge having at least one mating member", a "peripheral member having at least one mating member" or the peripheral edge mating member "engaging" the peripheral member mating member. In Archambault, the metal strip is attached to the lens with a pin.

Paragraphs numbered "9"

Applicant has canceled claim 34.

Regarding claim 46, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Tassier is for spectacles, sunglasses and clip-ons and claim 46, as amended, is for a group of headwear consisting of welder's eyewear, motorcycle rider eyewear, safety eyewear, skydiving eyewear, airplane pilot eyewear, gas

mask eyewear, hazardous materials eyewear, 3-d glasses, costumes, masks, goggles, hoods, UV tanning eyewear, racecar driver eyewear, astronaut eyewear, sports eyewear, hoods and helmets.

Regarding claims 37, 57, 58, 62, and 72, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Applicant submits that Examiner has misread Tassier when Examiner states that "the magnetic means magnetically attach to each other and pull the lens back to the *original position*." (emphasis added.) Conversely, the magnetic means do not pull the lens back to the original position, rather, the lens is adapted to freely rotate to keep the lens in a horizontal position. When the wearer of the spectacles in Tassier moves his or her head in relation to a horizontal plane, rather than keeping the lens in its original position, the magnetic or metal ball rolls in the frame, which causes the lenses to also rotate. Accordingly, Applicant submits that the magnetic means does not function as a memory member.

35 U.S.C. § 103

Paragraph numbered 11

Regarding claim 48, 52-56, Applicant submits that Examiner's rejection is improper, and requests reconsideration. Specifically, Erhard is for eyeglasses or

spectacles, and claims 48, 52-56 as amended, are for a group of headwear consisting of welder's eyewear, motorcycle rider eyewear, safety eyewear, skydiving eyewear, airplane pilot eyewear, gas mask eyewear, hazardous materials eyewear, 3-d glasses, costumes, masks, goggles, hoods, UV tanning eyewear, racecar driver eyewear, astronaut eyewear, sports eyewear, hoods and helmets.

Paragraphs numbered 12

Regarding claim 79, Applicant submits that Examiner's rejection is improper, and requests reconsideration. While it might be obvious to the Examiner to mount the lens (13) in Archambault in the ring (12) by a split rim mounting, the claim of 79 further claims that the turning member is comprised of the first and second projection members. Archambault and Hirschman do not address this portion of the claim at all. Armchambault, in column 2, lines 22-24, describes a separate finger (18) adjacent to the metal strip (14).

Paragraphs numbered 13

Regarding claims 65-69, and 73, Applicant submits that Examiner's rejection is improper, and requests reconsideration. As Applicant has submitted in response to Examiner's rejection of claims 37, 57, 58, 62, and 72, Applicant submits that Examiner has misread Tassier when

Examiner states that "the magnetic means magnetically attach to each other and pull the lens back to the *original position*." (emphasis added.) Conversely, the magnetic means do not pull the lens back to the original position, rather, the lens is adapted to freely rotate to keep the lens in a horizontal position. When the wearer of the spectacles in Tassier moves his or her head in relation to a horizontal plane, rather than keeping the lens in its original position, the magnetic or metal ball rolls in the frame, which causes the lenses to also rotate. Accordingly, Applicant submits that the magnetic means does not function as a memory member.

Since the fundamental purpose and operation of the magnetic means in Tassier and the memory member in the current invention disclosed in these two references are entirely different, there is no reason why one of ordinary skill in the art would be motivated to adapt the attachment of magnetic means in Tassier to attach the memory member of the current invention.

Objected to Claims

Applicant submits that the rejections have been overcome to the claims from which claims 59-61, 63, 70 and 71 depend. Accordingly, are in condition for allowance.

Amendments

Cancel Claim 34; amend claims 35, 36, 37, 38, 46, and 78; add claims 86 and 87.

Amended Claims

35. The [An] eyewear lens [system] ~~of claim 34~~, [said system comprised of at least one rotator,] wherein said rotator is comprised of a turning member.

36. The eyewear lens [system] of claim 35, said ~~lens~~ [system] further comprising a peripheral member and a peripheral edge, said peripheral member engaging said peripheral edge, said turning member being attached to said peripheral member.

37. The eyewear lens system of claim [35] ~~34~~, said ~~lens~~ [system] further comprising at least one memory member.

38. An eyewear lens, said lens comprising an anchor cut-out [said cut-out having an opening area and an inner area, said inner area being wider than said opening area].

46. A configurable eyewear system, said eyewear system comprising at least one containment structure and at least one lens, said at least one lens being rotatable within said containment structure, said eyewear system further comprising at least one rotator, said at least one lens being rotatable at least by said rotator, wherein said

eyewear system is in a group of headwear consisting essentially of ~~sunglasses~~, welder's eyewear, motorcycle rider eyewear, safety eyewear, skydiving eyewear, airplane pilot eyewear, ~~deep sea diving eyewear~~, gas mask eyewear, hazardous materials eyewear, 3-d glasses, costumes, masks, goggles, hoods, UV tanning eyewear, racecar driver eyewear, astronaut eyewear, sports eyewear, hoods and helmets.

78. The configurable eyewear system of claim 77, wherein said mating member is in a group consisting ~~essentially~~ of openings, indentations, and prongs.